

Max H. Stern (SBN 154424)
Jessica E. La Londe (SBN 235744)
Michelle N. Khoury (SBN 307229)
DUANE MORRIS LLP
Spear Tower
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
Telephone: +1 415 957 3000
Facsimile: +1 415 957 3001
E-mail: mhstern@duanemorris.com
jelalonde@duanemorris.com
mkhoury@duanemorris.com

Attorneys for Defendant
INDIAN HARBOR INSURANCE COMPANY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IGNACIO PEREZ,

Plaintiff,

V

INDIAN HARBOR INSURANCE COMPANY
and DOES 1 through 50, inclusive,
Defendants.

Case No.: 4:19-cv-07288-YGR
(Related to Case No. 4:16-cv-03396-YGR)

**STIPULATION NO. 1: CONCERNING
THE UNAVAILABILITY OF CERTAIN
WITNESSES**

Judge: Hon. Yvonne Gonzalez Rogers
Complaint Filed: November 5, 2019
First Amended Complaint Filed:
May 18, 2020

Plaintiff Ignacio Perez ("Plaintiff") and Defendant Indian Harbor Insurance Company ("Defendant") (collectively, "the Parties"), by and through their respective counsel, state as follows:

WHEREAS, Defendant has identified in its Initial Disclosures the following persons likely to have discoverable information that Indian Harbor will use to support its claims and defenses:

(1) Scott A. Bursor; (2) Ignacio Perez; (3) Sandra McMillion; and (4) Jessica Adekoya.

WHEREAS, Defendant intends to amend its Initial Disclosures to include the following additional persons likely to have discoverable information that Indian Harbor will use to support its claims and defenses: (1) Randall Snyder; (2) Colin Weir; and (3) Anya Verkhovskaya.

STIPULATION

NOW, THEREFORE, Defendant and Plaintiff stipulate and agree as follows:

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STIPULATION NO. 1: CONCERNING THE UNAVAILABILITY OF CERTAIN
WITNESSES

CASE NO.: 4:19-CV-07288-YGR

1. The Parties specifically and expressly agree that the following witnesses will not testify live at trial in this action as fact witnesses (even in rebuttal), and the Parties specifically and expressly agree not to depose in the fact discovery phase these potential witnesses in this action: (1) Scott A. Bursor; (2) Ignacio Perez; (3) Sandra McMillion; (4) Jessica Adekoya; (5) Randall Snyder; (6) Colin Weir; and (7) Anya Verkhovskaya. The Parties also specifically and expressly agree that they shall make no reference or comment of any kind concerning the absence of testimony by these witnesses in any motion, or at trial, or on appeal.

2. The Parties specifically and expressly agree that they may use in this action (including at the trial in this action) any prior deposition or trial testimony by the witnesses identified in Paragraph 1 given in *Perez v. Rash Curtis & Associates*, Case No. 4:16-cv-03396-YGR (N.D. Cal.), as if those witnesses are unavailable pursuant to any applicable rule, including without limitation Federal Rule of Civil Procedure 32 and Federal Rule of Evidence 804. All other objections to such evidence are preserved.

Dated: March 26, 2021

BURSOR & FISHER, P.A.

By: /s/ Scott A. Bursor

Scott A. Bursor
L. Timothy Fisher
Yeremy O. Krivoshev
Blair E. Reed
Attorneys for Plaintiff
IGNACIO PEREZ

Dated: March 26, 2021

DUANE MORRIS LLP

By: /s/ Max H. Stern

Max H. Stern
Jessica E. La Londe
Michelle N. Khoury
Attorneys for INDIAN HARBOR INSURANCE
COMPANY

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I, Max H. Stern, am the ECF User whose identification and password are being used to file Stipulation No. 1: Concerning the Unavailability of Certain Witnesses, filed concurrently herewith. Pursuant to Local Rule 5-1(i)(3), I hereby attest that counsel for Plaintiff Ignacio Perez has concurred in the filing of the Stipulation No. 1: Concerning the Unavailability of Certain Witnesses, filed concurrently herewith.

DUANE MORRIS LLP

By: /s/ Max H. Stern
Max H. Stern